

United States Bankruptcy Court for the:

Southern District of New York

Case number (if known): _____

Chapter you are filing under:

- ☐ Chapter 7
☒ Chapter 11
☐ Chapter 12
☐ Chapter 13

☐ Check if this is an
amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

04/19

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name El San Juan City Island on 5th Ave LLC

2. All other names debtor used
in the last 8 years

Include any assumed names,
trade names, and *doing business*
as names

3. Debtor's federal Employer
Identification Number (EIN) 82-1099806

4. Debtor's address

Principal place of business

1429 5th Ave

Number Street

New York NY 10035

City State ZIP Code

New York County

County

Mailing address, if different from principal place
of business

Number Street

P.O. Box

City State ZIP Code

Location of principal assets, if different from
principal place of business

Number Street

City State ZIP Code

5. Debtor's website (URL) _____

6. Type of debtor

- ☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
☐ Partnership (excluding LLP)
☐ Other. Specify: _____

Debtor El San Juan City Island on 5th Ave LLC Case number (if known) _____
Name

7. Describe debtor's business

A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Railroad (as defined in 11 U.S.C. § 101(44))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
☒ None of the above

B. Check all that apply:

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
See <http://www.naics.com/search/>.

722511

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- ☐ Chapter 7
☐ Chapter 9
☒ Chapter 11. Check all that apply:

- ☒ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625 (amount subject to adjustment on 4/01/22 and every 3 years after that).
☒ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
☐ A plan is being filed with this petition.
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

☐ No

☒ Yes. District SDNY When 03/27/2019 Case number 19-10904-mg
MM / DD / YYYY
District SDNY When 10/07/2019 Case number 19-13192-jlg
MM / DD / YYYY

If more than 2 cases, attach a separate list.

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

☒ No

☐ Yes. Debtor _____ Relationship _____
District _____ When _____
MM / DD / YYYY
Case number, if known _____

List all cases. If more than 1, attach a separate list.

Debtor El San Juan City Island on 5th Ave LLC Case number (if known) _____
Name

11. Why is the case filed in *this* district?

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

- ☒ No
- ☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? *(Check all that apply.)*

- ☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.
What is the hazard? _____
- ☐ It needs to be physically secured or protected from the weather.
- ☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).
- ☐ Other _____

Where is the property?

Number _____ Street _____

City _____ State _____ ZIP Code _____

Is the property insured?

- ☐ No
- ☐ Yes. Insurance agency _____
Contact name _____
Phone _____

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.

14. Estimated number of creditors

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000 | <input type="checkbox"/> 25,001-50,000 |
| <input type="checkbox"/> 50-99 | <input type="checkbox"/> 5,001-10,000 | <input type="checkbox"/> 50,001-100,000 |
| <input type="checkbox"/> 100-199 | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999 | | |

15. Estimated assets

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> \$0-\$50,000 | <input type="checkbox"/> \$1,000,001-\$10 million | <input type="checkbox"/> \$500,000,001-\$1 billion |
| <input type="checkbox"/> \$50,001-\$100,000 | <input type="checkbox"/> \$10,000,001-\$50 million | <input type="checkbox"/> \$1,000,000,001-\$10 billion |
| <input type="checkbox"/> \$100,001-\$500,000 | <input type="checkbox"/> \$50,000,001-\$100 million | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million | <input type="checkbox"/> More than \$50 billion |

Debtor El San Juan City Island on 5th Ave LLC
Name

Case number (if known) _____

16. Estimated liabilities

- | | | |
|---|--|--|
| <input type="checkbox"/> \$0-\$50,000 | <input type="checkbox"/> \$1,000,001-\$10 million | <input type="checkbox"/> \$500,000,001-\$1 billion |
| <input type="checkbox"/> \$50,001-\$100,000 | <input type="checkbox"/> \$10,000,001-\$50 million | <input type="checkbox"/> \$1,000,000,001-\$10 billion |
| <input checked="" type="checkbox"/> \$100,001-\$500,000 | <input type="checkbox"/> \$50,000,001-\$100 million | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million | <input type="checkbox"/> More than \$50 billion |

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 01/15/2020
MM / DD / YYYY

X /s/ Manuel Vidal Jr.

Signature of authorized representative of debtor

Manuel Vidal Jr.

Printed name

Title President

18. Signature of attorney

X /s/ Norma Ortiz

Signature of attorney for debtor

Date 01/15/2020

MM / DD / YYYY

Norma Ortiz

Printed name

Ortiz & Ortiz, LLP

Firm name

3272 Steinway Street Ste 402

Number Street

Astoria

City

NY

State

11103

ZIP Code

7185221117

Contact phone

email@ortizandortiz.com

Email address

2206530

Bar number

NY

State

Fill in this information to identify the case:

Debtor name El San Juan City Island on 5th Ave LLC

United States Bankruptcy Court for the: Southern District of New York

Case number (If known): _____

☐ Check if this is an amended filing

Official Form 204

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an *insider*, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
1	Operation Fightback, Inc. 413 East 120th Street New York, NY, 10035		Unpaid rent in dispute	Disputed			70,000.00
2	Consolidated Edison 4 Irving Place New York, NY, 10003						16,327.00
3							
4							
5							
6							
7							
8							

Debtor El San Juan City Island on 5th Ave LLC Case number (if known) _____
Name

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							

United States Bankruptcy Court
Southern District of New York

In re: El San Juan City Island on 5th Ave LLC

Case No.

Chapter 11

Debtor(s)

Verification of Creditor Matrix

The above-named Debtor(s) hereby verify that the attached list of creditors is true and correct to the best of their knowledge.

Date: 01/15/2020

/s/ Manuel Vidal Jr.

Signature of Individual signing on behalf of debtor

President

Position or relationship to debtor

Consolidated Edison
4 Irving Place
New York, NY 10003

Internal Revenue Service
PO Box 7346
Centralized Insolvency Agency
Philadelphia, PA 19101-7346

NYS Dept of Tax And Finance
Bankruptcy Section
PO Box 5300
Albany, NY 12205-0300

Operation Fightback, Inc.
413 East 120th Street
New York, NY 10035

United States Bankruptcy Court

Southern District of New York

In re El San Juan City Island on 5th Ave LLC

Case No. _____

Debtor

Chapter ¹¹ _____

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

☐ FLAT FEE

For legal services, I have agreed to accept \$ _____

Prior to the filing of this statement I have received. \$ _____

Balance Due. \$ _____

☒ RETAINER

For legal services, I have agreed to accept a retainer of \$ ^{0.00} _____

The undersigned shall bill against the retainer at an hourly rate of \$ ^{450.00} _____

[Or attach firm hourly rate schedule.] Debtor(s) have agreed to pay all Court approved fees and expenses exceeding the amount of the retainer.

2. The source of the compensation paid to me was:

☒ Debtor ☐ Other (specify)

3. The source of compensation to be paid to me is:

☒ Debtor ☐ Other (specify)

4. ☒ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

☐ I have agreed to share the above-disclosed compensation with a other person or persons who are not members or associates of my law firm. A copy of the Agreement, together with a list of the names of the people sharing the compensation is attached.

5. In return of the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- Preparation and filing of any petition, schedules, statements of affairs and plan which may be required;
- Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;

d. [Other provisions as needed]
pursuant to the terms of the firm's retainer agreement with the Debtor.

6. By agreement with the debtor(s), the above-disclosed fee does not include the following services:
pursuant to the terms of the retainer agreement with the Debtor. Excluded services include, but are not limited to, the commencement and defense of adversary proceedings.

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

01/15/2020

/s/ Norma Ortiz, 2206530

Date

Signature of Attorney

Ortiz & Ortiz, LLP

Name of law firm
3272 Steinway Street
Ste 402
Astoria, NY 11103
7185221117
email@ortizandortiz.com

United States Bankruptcy Court

IN RE:

Case No. _____

El San Juan City Island on 5th Ave LLC

Chapter 11

LIST OF EQUITY SECURITY HOLDERS

Registered name and last known address of security holder	Shares (Or Percentage)	Security Class (or kind of interest)
Tanya Vidal ,	10 Percent	
Lisa Vidal ,	10 percent	
Jay Cohen ,	10 percent	
Manuel Vidal Jr ,	70 percent	

ORTIZ & ORTIZ, L.L.P.
32-72 Steinway Street, Ste. 402
Astoria, New York 11103
Tel. (718) 522-1117
Fax (718) 596-1302
email@ortizandortiz.com
Proposed Counsel to the Debtor

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In re

EL SAN JUAN CITY ISLAND ON 5TH AVE., LLC.

Case No.

Debtor.

Chapter 11

-----X

DECLARATION PURSUANT TO LOCAL RULE 1007-2

Manny Vidal Jr., president of the above-captioned debtor in possession (the “Debtor”),
hereby swears as follows:

1. Describe the nature of the business and the circumstances leading to the debtor’s filing under chapter 11: The Debtor operates a restaurant located in Manhattan. It has experienced repeated problems with its landlord and has claims against its landlord. The Debtor was unable to operate for many months after it acquired the restaurant because of, among other things, significant misrepresentations made to the Debtor by the landlord regarding the condition of the equipment and the physical space. The Debtor’s lease was terminated prior to the bankruptcy filing.

The Debtor retained landlord and tenant counsel Gary J. Wachtel. Mr. Wachtel advised me that he believes the Debtor has grounds to seek reinstatement of its lease. If the Debtor is able to reinstate its lease, I believe it can successfully reorganize its affairs.

2. This case was not commenced under chapter 7 or chapter 13.
3. No committee of creditors was organized prior to the date the order for relief was entered in this chapter 11 case.
4. Attached is a list of the names, addresses, telephone numbers, person(s) familiar with the debtor's account, amount of the claim, and whether the claim is contingent, unliquidated, disputed, or partially secured of the Debtor's 30 largest non-insider unsecured creditors.
5. Attached is a list the names, addresses, telephone numbers, person(s) familiar with the Debtor's account, amount of the claim, and whether the claim is contingent, unliquidated, disputed, or partially secured of the debtor's 5 largest secured creditors.
6. I have summarized the Debtor's assets and liabilities in the attached list.
7. The Debtor has no publicly held shares.
8. None of the Debtor's property is in the possession or custody of any custodian, public officer, mortgagee, pledgee, assignee of rents, or secured creditor.
9. The Debtor's business is solely conducted on the Property.
10. I maintain the Debtor's books and records in my home. The Debtor does not own any assets outside the territorial limits of the United States.
11. I have been the sole shareholder and officer of the Debtor since it was created.
13. The Debtor has employees on payroll.

14. I do not regularly take compensation from the Debtor.

15. I have set forth in the attached list a schedule, for the thirty (30) day period following the filing of the chapter 11 petition, of the estimated cash receipts and disbursements, net cash gain or loss, obligations and receivables expected to accrue but remain unpaid, other than professional fees, and any other information relevant to an understanding of the foregoing.

I hereby declare that the foregoing is accurate and true to the best of my knowledge and belief.

Dated: Jan. 15, 2019
New York, New York

/s/ Manny Vidal
Manny Vidal, President

Exhibit A

Persons Familiar with Debtor's Non-Insider Unsecured Claims

(List the names, addresses, telephone numbers, person(s) familiar with the debtor's account, amount of the claim, and whether the claim is contingent, unliquidated, disputed, or partially secured of the Debtor's 30 largest non-insider unsecured creditors.)

Creditor	Contact Information	Amount of Claim	Status of Claims
Con-Edison		\$16,327.00	
IRS		\$20,000.00	
Operation Fightback, Inc.		\$70,000.00	
NYS Dept. of Tax		\$25,000.00	

Persons Familiar with Debtor's Secured Claims

(List the names, addresses, telephone numbers, person(s) familiar with the Debtor's account, amount of the claim, and whether the claim is contingent, unliquidated, disputed, or partially secured of the debtor's 5 largest secured creditors.)

Creditor	Contact Information	Amount of Claim	Status of Claims

Summary of Assets and Liabilities

Real Property	None
Personal Property	\$742,333.00
Secured and Priority Debt	\$41,327.00
Unsecured Debt	\$90,000.00

Estimated Thirty (30) Cash Receipts and Disbursements

(Provide a schedule, for the thirty (30) day period following the filing of the chapter 11 petition, of estimated cash receipts and disbursements, net cash gain or loss, obligations and receivables expected to accrue but remain unpaid, other than professional fees, and any other information relevant to an understanding of the foregoing)

Income		Expenses	
<i>Source</i>	<i>Amount</i>	<i>Type</i>	<i>Amount</i>
Income	\$28,500.00	Payroll	\$7,417.50 per month
		Rent	\$7,000.00 per month
		Electric/Gas	\$3,500.00 per moth
		Insurance	\$1,100.00 per month
		Restaurant Supplies	\$450.00 per month
		Exterminator	\$85.00 per month
		Payroll Taxes	\$962.00 per month
		Liquor License Fee	\$379.00 per month
		Cable/Internet	\$552.00 per month
		Miscellaneous	\$1,078.50 per month
		Total	\$22,524.00 per month

CERTIFICATE OF CORPORATE RESOLUTION OF

El San Juan City Island on 5th Ave LLC

The undersigned, President of El San Juan City Island on 5th Ave LLC (the "President"), a New York corporation (the "Company"), hereby certifies as follows:

1. The following resolution was duly and unanimously adopted by a majority of the directors of the Company at a meeting duly called and held on 1/15/20, at which a quorum of the directors was present and acting throughout the meeting, and said resolutions have not been amended and are in full force and effect:

RESOLVED, that it is in the best judgment of the Board Of Directors that the Company commence a voluntary chapter 11 proceeding for reorganize its business and economic affairs. It is further

RESOLVED, that the Company is authorized to open a debtor in possession bank account and take all other steps necessary to ensure that it fully complies with applicable state and federal in connection with its bankruptcy case. It is further

RESOLVED, that the Company is authorized to retain Ortiz & Ortiz LLP as its bankruptcy counsel, and retain any other professionals necessary to prosecute its bankruptcy case.

2. Appearing below are the names of the persons authorized by the foregoing resolution to act on behalf of the Company, and appearing opposite their names are their positions and specimens of their true and correct signatures:

<u>Name</u>	<u>Position</u>	<u>Signature</u>
Manuel B. Vidal	Officer	<u>S/Manny Vidal Jr.</u>

IN WITNESS WHEREOF, I have executed this certificate on the 15th day of Jan. 2020. I swear that the foregoing is accurate and true.

S/Manny Vidal Jr.
Secretary/President

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In re

El San Juan City Island on 5th Ave LLC,

Case No.

Debtor.

Chapter 11

-----X

**CORPORATE OWNERSHIP STATEMENT PURSUANT TO FED. R. BANKR. P.
1007(a)(1) AND 7007.1 AND LOCAL BANKR. RULE 1007-3**

Pursuant Fed. R. Bankr. Proc. 1007(a)(1) and 7007.1 and Local Bankr. Rule 1007-3,
El San Juan City Island on 5th Ave LLC, as debtor and debtor in possession in the above
captioned chapter 11 case (the “Debtor”), respectfully represents:

The undersigned, being an officer and shareholder of the Debtor, hereby states that there
are no entities that directly or indirectly own 10% or more of any class of the debtor’s equity
interest.

Dated: January 9, 2020
Queens, New York

s/Manny Vidal Jr.
Manny Vidal, Officer